LEGISLATIVE COUNCIL

Thursday 26 October 1995

The PRESIDENT (Hon. Peter Dunn) took the Chair at 2.15 p.m. and read prayers.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Education and Children's Services (Hon. R.I. Lucas)—

Department of the Premier and Cabinet—Report, 1994-95.

By the Attorney-General (Hon. K.T. Griffin)—

Reports, 1994-95
- Primary Industries of South Australia
- State Courts Administration Council

By the Minister for Transport (Hon. Diana Laidlaw)—

Response by the Department of Environment and Natural Resources to the Sixteenth Report of the Environment, Resources and Development Committee on Compulsory Motor Vehicle Inspections

Corporation By-laws—Campbelltown—
- No. 1—Penalties
- No. 2—Keeping of Bees
- No. 3—Waste Disposal Receptacles
- No. 4—Ice Cream and Produce Carts
- No. 5—Inflammable Undergrowth
- No. 6—Streets and Footpaths
- No. 7—Erection of Tents
- No. 8—Height of Fences, Hedges and Hoardings
- No. 9—Caravans and Other Vehicles
- No. 10—Excavations and Depositing of Rubbish
- No. 11—Keeping of Poultry, Birds or Animals
- No. 12—Traffic on Streets and Roads
- No. 13—Removal of Garbage of Public Places
- No. 14—Parks and Reserves.

HINDMARSH ISLAND BRIDGE

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to make a ministerial statement regarding the Hindmarsh Island Bridge Royal Commission.

Leave granted.

The Hon. K.T. GRIFFIN: In recent weeks there has been growing speculation as to whether the royal commission would require a further extension of time beyond 1 November 1995 to complete its task. Today the Government has agreed to grant a further extension of time to allow the Royal Commissioner to complete the taking of evidence and prepare her report.

This decision has been made following a request from the Royal Commissioner, who has advised that the commission will require a further six weeks from 1 November 1995 to complete the taking of evidence and to furnish the report.

The Commissioner has advised that she is determined to conclude the taking of evidence by approximately 15 November 1995. In order to achieve this date, the commission has extended its sitting hours each day. The commission is now sitting from 9.30 a.m. to 5.00 p.m. and will sit on Saturdays. Following the conclusion of the taking of evidence the Commissioner will need to consider any written submissions and prepare her report, for which she indicates she will need four weeks. The Government, having considered the Commissioner's request, has agreed to extend the time for the provision of the report to 14 December 1995. In granting this extension of time, the Government recognises the complexity of the issues that the commission is considering and the need for all relevant parties to be afforded the opportunity to provide evidence to the commission and particularly for those whose reputations are in question. The extension of time will inevitably raise the question of additional costs. The Government is still examining that question but expects that, because there are only two more weeks of evidence, any extra costs will be at a rate very much less than those related to the previous extension. The Government remains firmly of the view that the issues being addressed by the royal commission are issues of importance for all South Australians and therefore must be thoroughly investigated.

TEACHER NUMBERS

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to make a ministerial statement on the subject of teacher numbers.

Leave granted.

The Hon. R.I. LUCAS: I understand that the Leader of the Opposition has made some statements outside the Parliament today in relation to 'Staff shedding carnage in schools to continue'—or something along those lines—and has further claimed that some 1 300 teachers have been, or will have been, removed from schools since July last year. The Leader has further indicated that, as a result of decisions just announced, there will be further increases in class sizes next year. This afternoon, it is important to place on the public record the facts rather than the claims made by the Leader of the Opposition. First, I must say—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —that no new budget decision to reduce teacher numbers has been taken by the Government. In the June budget of this year, as all members would know—even the shadow Minister for Education—the Government announced that there would be a reduction of 100 above formula teacher salary positions within schools. In June this year, we indicated that TVSPs would be offered at the end of the year for up to 100 positions, and that is now occurring.

Secondly, as a result of the previous Labor Government's agreement with the Institute of Teachers, we have an annual institutionalised surplus of teachers in the city as a result of country teachers transferring back into the city, using their existing four-year right of return.

Members interjecting:

The Hon. R.I. LUCAS: Well, that's their agreement. We have changed that. We sat down with the institute and we have reached an agreement, in a convivial fashion, with the institute for all future appointments to the country. However, teachers presently in the country—

Members interjecting:

The PRESIDENT: Order! There are too many interjections on my left.

The Hon. R.I. LUCAS: The Leader of the Opposition does not like it because her first question has just disappeared. Teachers presently in the country retain that right for the next three years as they seek to transfer back to the city. At the same time as we have this surplus of teachers in the city, we have vacancies in the country, because no existing permanent teachers—or very few—will go to the country to teach in country schools. Every year we have these institutionalised vacancies in the country because teachers will not move to the country to teach in those positions. So—and this is the point not made by the Leader of the Opposition in her

claims to the media—this year we are having to hire up to 200 new teachers to go to country schools to teach in the country areas whilst at the same time we pay separation packages for surplus teachers in the city, as a result of the sorts of industrial agreements arrived at by the Leader of the Opposition and the Labor Party over the past few years. That is what this Government has had to cope with. That is why at the end of every year—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —we have to offer targeted packages to surplus teachers in city schools. We have these vacancies in the country and, as I said, because we cannot get anyone to go there we are having to hire up to 200 teachers to fill those positions. That is why we are having to advertise for targeted separation packages. There is no new budget decision. These decisions will have no influence at all on class sizes for new year. Contrary to claims by the Leader of the Opposition, these decisions will have no influence on class sizes next year.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order! The Hon. Ron Roberts.

An honourable member: Chuck him out.

The PRESIDENT: I'll decide on that. The Minister for Education.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: I warn him.

The Hon. R.I. LUCAS: That kept him quiet.

The PRESIDENT: The Hon. Ron Roberts! The Minister for Education.

The Hon. R.I. LUCAS: Now that the Hon. Mr Roberts is listening, it is important that he realise that these decisions will not influence class sizes—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: If you would like to listen—in the Port Pirie region in which the honourable member proclaims much interest or anywhere else. There is no new budget decision at all. What we have is a Leader of the Opposition, desperate to get her name in the media for some publicity, trying to create an impression that there is a new budget decision. The Leader of the Opposition and her media advisers have been ringing the media saying, 'Shock! Horror! News story: be there at Parliament House, come and watch Question Time—all will be revealed.' Well, let us look at the first question relating to teacher numbers that follows this one.

Finally, the Leader of the Opposition claims that there will be a reduction of 1 300 teaching positions since July of last year. That is an absolute fabrication by the Leader of the Opposition, but she chooses to repeat it. Inside and outside this Chamber, wherever anyone will listen to her, she makes that claim.

The Hon. L.H. Davis: It's the only way they can get publicity.

The Hon. R.I. LUCAS: It is the only way they can get publicity, but sadly for the Leader of the Opposition the inaccuracies in her statements are revealed for the media, members of Parliament and her followers behind her—

Members interjecting:

The PRESIDENT: Order!

The Hon. Carolyn Pickles interjecting:

The PRESIDENT: Order! The Leader of the Opposition!

The Hon. R.I. LUCAS: —who have professed much concern about her lack of action, her ineptitude. Look at them.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Here they are, stuck on the back bench. They are interested in this position. The Deputy Leader is interested, the Hon. Mr Cameron is interested, and the Leader of the Opposition is desperately trying to raise her profile on this issue.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Finally, the Leader of the Opposition claims that in some way the Government, and I as Minister, predict a decline of 4 000 enrolments in February of next year. Again, that is a complete fabrication by the Leader of the Opposition. I know not from where she has got that claim. The Government—

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Roberts probably provided the figures for her and set her up.

The Hon. T.G. Cameron: Have you been to the drama school and had acting lessons again?

The Hon. R.I. LUCAS: The Hon. Mr Cameron—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I can't hear myself think.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: There has been no prediction by the Government or me as Minister that there will an enrolment decline of 4 000 students next year.

PORT AUGUSTA HOSPITAL

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to table a ministerial statement on the Port Augusta Hospital development provided by—

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: Do you want me to read it out to you all? Doom and gloom—that's what you are always on about.It is just so typical of the Labor Party.

Members interjecting:

The PRESIDENT: Order! I ask the Minister to resume her seat. I do not know what members had for lunch, but they are very agro. The Minister is on her feet and has the right to present her ministerial statement. I ask that members listen in silence.

The Hon. DIANA LAIDLAW: All right, we will go through it in full. For the benefit of the Hon. Ron Roberts and his—

Members interjecting:

The Hon. DIANA LAIDLAW: If there are to be such suggestions that it is another cut, members are entitled to hear this good news. It gives me great pleasure to announce that the Government has given in principle agreement to a new $18 million publicly managed hospital to be built by the private sector at Port Augusta. The facility will be built and owned by the private sector and made available to Port Augusta Hospital on an operating lease basis.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order, the Hon. Ron Roberts!

The Hon. DIANA LAIDLAW: You have been warned once; you will go underground soon. The Government is delighted that the open tendering process begun last year has resulted in the present public hospital management retaining management under the new arrangements. That is good news, but we hear nothing from members opposite. For nearly 15

years the Port Augusta Hospital has been seeking finance to redevelop the hospital. The years of neglect have reached the stage where something had to be done and done urgently. The current hospital is a four story tower block construction, which is an extremely inefficient design by today's standards. It is estimated that between $7 million and $11 million would have to spent over the next three to five years just to keep the hospital functional, and that would do nothing to make it more efficient.

The hospital services just over 15 000 people living within the Port Augusta local government area and approximately 31 000 people living within the Flinders and Far North region. At least you, Mr President, would be pleased about that, too. In September last year, the Brown Government sought from the private sector expressions of interest which included redeveloping the present hospital, building a new hospital, retaining the present public sector management or introducing private sector management. That process has shown that redeveloping the present hospital would cost considerably more in the long term than building and fitting out a new hospital.

The preferred location of the new hospital is on land presently owned by the South Australian Housing Trust on the northern edge of the city and is bounded by Flinders, Rogers, Boston and Tassie Streets. Choice of a greenfield site for the new hospital will allow uninterrupted hospital services to the local community while the new hospital is being built.

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: You have a little bit of trouble behind you, Ron.

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: Mr President, I would not wish to repeat the unparliamentary language used by the Deputy Leader to his colleague, the Hon. Anne Levy. I do not think that that should be accepted even if it is whispered in that manner.

The PRESIDENT: Order! The Minister will read her statement.

The Hon. DIANA LAIDLAW: The new hospital will ensure that the long-term needs of the local community are able to be met. At the same time, the community will enjoy much greater access to the building itself and within the building for people with disabilities. The tendering process also showed that the best solution was, first, to allow the private sector to build the hospital, which the Government would then lease and, secondly, to allow the present public sector to continue to manage the hospital. I recognise that there are aspects of managing a regional country hospital—and one with limited private hospital opportunities—which increase the commercial risk for the private sector. However, the present public management is to be congratulated on showing that it is competitive when compared with the private sector. A 10 bed private hospital operation managed by the public hospital will be incorporated on site to cater for the private patients who may wish to use the service.

I expect the process of finalising the financing contract and ensuring that it is the best possible deal for the Government and therefore taxpayers will take approximately four months. The building of the new hospital will then commence and I would expect the finished hospital to be operating within two years. The new hospital will be built to cater for the special needs of the many Aboriginal community members and their families who attend the hospital. I would like to congratulate the Chairman of the Port Augusta Hospital Board, Mr Clive Kitchen, for the way in which he and his management team have assisted the process in reaching this stage. I would also like to thank the Speaker in another place for his assistance in ensuring the smooth progress of each stage of this tendering process and for his continuing vigorous representations on behalf of everyone who will benefit from this new hospital.

It has been a time of considerable uncertainty for the staff of the hospital and I am delighted for them that they have retained the management of the new hospital. I know that they will enjoy working in the new facility. I am equally confident that the people of Port Augusta and surrounding districts will be delighted that their hospital's future has been consolidated in such positive fashion.

QUESTION TIME

TEACHER TARGETED SEPARATION PACKAGES

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about targeted separation packages.

Leave granted.

The Hon. CAROLYN PICKLES: In an answer to a recent question that I asked, the Minister provided the following answer:

> The number of teaching staff who accepted targeted separation packages between 1 July 1994 and 31 January 1995 is 788.6 full time equivalents.

So, that is 788 to January this year, plus another 200 because of lower enrolments in 1995, plus 100 announced in the budget, plus 250 SSOs, and now further information has been revealed in a circular, dated 20 October 1995, which states:

> Following the recent 1996 placement exercise, the Department for Education and Children's Services is facing a surplus of teachers and as a result a limited number of targeted voluntary separation packages in specific teaching fields will be available. The opportunity now exists for some teachers to express interest in a targeted separation package.

It then states:

> Who is surplus? Permanent members of the teaching service, in particular the primary and junior primary sectors are in a group of employees where there is a surplus.

How many permanent teachers will go in this latest round of TSPs?

The Hon. R.I. LUCAS: Again, the Leader of the Opposition uses that figure and purports to indicate that there has been a reduction of 788 teachers between July last year and January this year. As I indicated to the Leader of the Opposition—

The Hon. Carolyn Pickles interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: As I have indicated to the Leader of the Opposition on a number of occasions, and I will do so again, that is not correct in terms of teacher numbers.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: No. What you conveniently omit all the time is that at the same time as we have offered packages we have had to hire teachers to go to the country to teach in country vacancies. It is not much use looking at the TVSPs and saying that these are the teacher reductions without looking, as I have indicated, at the number of teachers we have to hire to go to the country to teach in the country.

The Hon. Carolyn Pickles interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Every time the Leader says, 'Here is the number of targeted separation packages, this is the number of reduced teachers that you have inflicted on the system.' Every time, deliberately, she does not remember—

The Hon. Carolyn Pickles interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Deliberately, she forgets to include the teachers that we have to hire every year to go to the country to teach in those vacancies in country schools. I indicated that to the Leader of the Opposition not more than five minutes ago. I have indicated it to the Leader of the Opposition on at least half a dozen occasions over the last year that you cannot look at the sorts of figures that the Leader looks at and add them up and come up with a figure of 1 300. The Leader of the Opposition deliberately tries to deceive the media, parents, teachers and the community by saying that there has been a reduction of some 1 300 teachers in our schools since July of last year. The Leader of the Opposition knows that is not true, but she continues to tell the media, parents, teachers—

The Hon. Carolyn Pickles interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Mr President, that is correct.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The Leader of the Opposition knows that it is not true to add up the figures omitting the fact that we are hiring teachers to fill country vacancies where permanent teachers will not go. That is the problem which we have now resolved with the Institute of Teachers. We sat down with the Institute of Teachers, in a happy little team, and worked out this agreement—something which the Labor Government would not do. The Labor Party was prepared to accept this arrangement for the rest of our days, but we have negotiated the settlement with the Institute of Teachers because we were prepared to sit down quietly with the institute, with Clare McCarty and her negotiators, and negotiate an end to that agreement. But it will take three years to phase out because existing teachers with existing rights have the right to return to the city. But any new teacher we appoint to the country—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: No, we supported that, but you are complaining about it today. You are saying that we should have made the changes straight away. You were the one interjecting not 10 minutes ago that I am the Minister and that we should have made the changes straightaway. Now you are adopting the other position as well.

The Hon. Carolyn Pickles: The ball is in your court.

The Hon. R.I. LUCAS: Yes, it is, and we negotiated the agreement with the Institute of Teachers. We sat down with it. You were not prepared to. You were prepared to—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: You had 10 years. How much longer did you want? How many more decades did you want in Government to negotiate this? You accepted it as the convenor of the education backbench committee of the Minister. You accepted it for a decade or more. How many more decades did you want to resolve this particular issue? The Leader of the Opposition—

The Hon. ANNE LEVY: I rise on a point of order, Mr President. The Minister is saying 'you' in addressing a member and not speaking through the Chair.

The PRESIDENT: The Minister should address the honourable member by her correct title.

The Hon. R.I. LUCAS: I humbly apologise for referring to the Leader of the Opposition as 'you', and I am duly corrected by the Hon. Anne Levy. I am indebted to her for that pointed and telling point of order. The Leader of the Opposition and the Labor Government had 12 years to resolve this issue. This Government, within 15 months, had negotiated an agreement with the Institute of Teachers to resolve—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: We did it; you had 12 years and could not do it.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I cannot add anything more in relation to the figures and information supplied in the ministerial statement that I made earlier. I say again that the Leader of the Opposition's figures are wrong, and she knows them to be wrong.

The Hon. G. WEATHERILL: I have a supplementary question. The Minister said that 200 people have been employed in the country. Where in the country will these 200 people be employed?

The Hon. R.I. LUCAS: What I have said is that up to 200 people will be employed in the country, and they will be appointed to the majority of country schools. I am not sure how many country schools we have but there must be 300 or so. People will be appointed to a good number of those schools. They will be appointed to those vacancies for next year.

BUS SERVICES

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport a question about bus contracts and Serco.

Leave granted.

The Hon. T.G. CAMERON: It came to light on Radio 5UV this morning that Serco has a ban on speaking to the media. In fact, according to the report, this ban has been in force for over 11 years. I further understand that Serco intends to aggressively tender for the remaining 11 contracts to be let for the bus services, and could end up being the major provider of bus services in South Australia. My questions to the Minister are:

1. Was the Minister or the Passenger Transport Board aware of the media ban prior to awarding the contract to Serco?

2. Does the Minister support companies which are major providers of public services refusing to speak to the media?

3. The Liberal Party campaigned at the last election on open government and public accountability. As a Minister, does she support open government and public accountability, or is this campaign promise not applicable to companies which tender for public services contacts?

4. Will the Minister support other companies if they attempt to operate with a veil of secrecy and implement a media ban?

5. Will the Minister issue a direction to the Passenger Transport Board that all future bus contracts will contain provisions that prohibit operators of our bus services from issuing a ban on speaking to the media?

The Hon. DIANA LAIDLAW: I am not sure what the honourable member is talking about, because I have heard

that Serco has not only given a press conference on the matter but has also been separately interviewed by the *Advertiser*, radio stations and television and it has been widely available. If that is interpreted as a ban, I use the word and see the situation differently from the honourable member. Serco has made itself available to the media. How that is interpreted by the honourable member as a ban would be beyond the wit of most human beings.

KOALAS, KANGAROO ISLAND

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for the Environment and Natural Resources, a question about Kangaroo Island koalas.

Leave granted.

The Hon. T.G. ROBERTS: I have a number of letters passing through my office at the moment indicating that there is a problem with the ecosystem in particular areas of Kangaroo Island due to an oversaturation of koalas. There are not too many alternatives to the problem as the koalas are an introduced species there. They have to be repositioned, taken to another ecosystem, or an application for culling has to be made to thin their numbers. The information with which I have been supplied is that if there is not a program to shift the koalas the eucalypts, which are under pressure now, will die. Is the Government developing a policy to move the excess number of koalas from Kangaroo Island to an ecosystem that can sustain them and, if not, why not; or is the Government considering a culling program? The Opposition would not support such a program.

The Hon. DIANA LAIDLAW: I will refer that question to my colleague in another place and bring back a reply.

MARION ROAD CORRIDOR REVIEW

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the Marion Road corridor review.

Leave granted.

The Hon. P. HOLLOWAY: The Minister's department is reviewing the future of schools in the south-western suburbs of Adelaide. During the Estimates Committees the Minister said:

> The latest information is that hopefully some time in term 3 we might get a final recommendation in terms of the Marion Road corridor project.

Later, he said:

> The Marion corridor project may recommend school closures or that they all stay open.

My questions to the Minister are:

1. As we are now well into term 4, what is the outcome of this review?

2. Will any schools be closed as a result of the review?

3. If the Minister cannot say what the outcome of the review is, given the proximity of the 1996 school year, will he give an assurance to students and their parents that all schools in the Marion corridor will remain open in 1996?

The Hon. R.I. LUCAS: I have not yet seen a copy of the Marion corridor project review report. I understand that it was completed in the last week of term 3, and is now being considered by officers within the department. I was told by the local district superintendent, when I opened a wonderful new facility at Warradale Primary School only this week, that the report is to be considered by the district superintendent and senior officers at a meeting next week. Costings obviously have to be done in relation to the facilities and resource aspects, which are some of the options canvassed in the review. When that review by departmental officers is completed, I will receive a copy of the report and the department's comments or recommendations and then I shall be in a position to make further comment one way or the other.

WATER, OUTSOURCING

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Minister for Infrastructure, a question about the Minister's refusal to appear at a public forum on the privatisation of the management of Adelaide's water supply and waste water systems.

Leave granted.

The Hon. SANDRA KANCK: Last week the *7.30 Report* approached me and a number of key people connected with the process to privatise the management of Adelaide's water supply and waste water systems to appear at a public forum, which would have been conducted this week. On Tuesday I was told not to bother turning up as the program had to be cancelled because the Minister for Infrastructure and the head of United Water, the preferred tenderer, refused to attend.

Recently I received the results of an opinion poll conducted by the Community Action Water Coalition concerning the privatisation, and that shows that only 6 per cent of Adelaidians surveyed were persuaded by the Government's arguments for the privatisation, while a massive 75 per cent of people opposed the deal, and this is despite the Government's massive taxpayer-funded publicity campaign. My questions to the Minister are:

1. Is the Government's refusal to appear on a televised public forum about the water privatisation an admission of its failure to persuade South Australians of the merits of the deal?

2. If it believes that it has succeeded in convincing the public on water management privatisation, why was it scared witless at the prospect of appearing on the *7.30 Report*?

The PRESIDENT: There was opinion in that question. The Minister for Education and Children's Services.

The Hon. R.I. LUCAS: I can assure members that the Minister is not scared witless of appearing with the Hon. Sandra Kanck or, indeed, others. I think the weekend newspapers indicated how the Minister dealt with the entire Labor Opposition in another place, so I am sure that he will not be fearful of a discussion with the Hon. Sandra Kanck.

The Hon. Sandra Kanck: Perhaps he is fearful of the public.

The Hon. R.I. LUCAS: I can assure the honourable member that he is not fearful of the public. I will refer the honourable member's questions to the Minister and bring back a reply. It may be that, given the Minister's very busy schedule—I know that he will be overseas for a few days in the next couple of weeks—it will not be possible for the him to schedule an appearance at this forum.

AUSTRALIAN COTTON FOUNDATION LIMITED

The Hon. T. CROTHERS: I seek leave to make a precied statement before directing some questions to the Minister for Education and Children's Services and Leader

of the Government in this place about two statements made recently by Mr Peter Coresh, Chairperson of the Australian Cotton Foundation Ltd, which were released on 16 and 18 October this year.

Leave granted.

The Hon. T. CROTHERS: Recently the Australian Cotton Foundation Ltd, a powerful lobbying body which I am led to believe represents the bulk of cotton suppliers and users in Australia, issued two statements on the proposed development of Currareva, a new cotton-growing project of 2 500 hectares centred on the Windorah region of Queensland. If this project gets the go ahead, it will use an estimated 42 000 megalitres of water per year from Cooper Creek for irrigation purposes, irrespective of the consequences of the nutrient rich run-off into the Lake Eyre Basin to water users further downstream from the project, both as to red meat production and, more importantly still, human life and, indeed, the enormous potential for huge damage to our ecological and environmental system which, it is said, will cause lasting detrimental damage for many years—perhaps for generations of Australians as yet unborn.

It is plain for all who have read the press release of the Australian Cotton Foundation, issued on 16 October this year, to discern that a strong undercurrent of support was running through this press statement, to such an extent that on 18 October, that is, two days after the first press release, the same body issued a further press statement to the effect that the Australian Cotton Foundation will not support plans to grow cotton on Coopers Creek or the Windorah region in South-West Queensland for the coming season.

The statement then goes on to say that to produce cotton in the area there must be support from the local community and the entire catchment area, and that the only way to achieve that is through a thorough environmental impact assessment which will be ongoing over the next year. Nowhere—and I repeat 'nowhere'—in this statement is there any reference to the users of this water who are not living locally or in the actual water catchment area of the river system in question, a thought which surely will horrify all South Australians, as they are the end users of water from that very system. With that as a backdrop, my questions to the Minister and the Leader are:

1. Will his Government in the immediacy raise the matter at the next meeting of State and Federal Ministers who have direct involvement with respect to the whole of this matter?

2. Will his Government make a detailed submission to the environmental assessment committee set up to consider this matter on behalf of all South Australians?

3. Will his Government, on behalf of all South Australians, seek the assistance of the Victorian Government, with that Government either making a submission on behalf of Victoria and Victorians or indeed jointly with the South Australian Government, on behalf of the end users of that water in the Murray-Darling river system?

The Hon. R.I. LUCAS: I thank the honourable member for his well-considered and well-thought-out question on this most important issue. Certainly, I can assure him that the Government and the appropriate Ministers will treat it with the seriousness that it deserves. The honourable member will not be surprised that I do not have the responses with me, but I am sure he would have been delighted to see recently public commitments given by the Premier of South Australia in relation to the importance of the Murray-Darling system and the need for it to be made a national project, coming to the turn of the century, and seeking a commitment from the Commonwealth Government and other State and Territory Governments as well to make it a national project. I am sure that the Hon. Mr Crothers, looking at this with bipartisan eyes, as I suspect he is, in terms of major and important issues for this State—

The Hon. T. Crothers: With my bifocals.

The Hon. R.I. LUCAS: With your bifocals on your bipartisan eyes; that is excellent—in effect will be supportive of any Government, Party or Leader that gives a commitment to tackling this important issue. I am sure he, too, would have been delighted with the Leader of the Federal Coalition (Hon. John Howard), when last Friday, speaking to some 1 100 or 1 200—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: No; he might have been, but he was speaking to some 1 100 or 1 200 members and guests at the employers' chamber annual dinner, and he gave, for the first time—

The Hon. A.J. Redford: Do you mean that they were not at the Labor Party business engagement?

The Hon. R.I. LUCAS: No, they didn't make that.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I am sure that the Hon. Mr Crothers would have welcomed again that commitment from the Leader of the Federal Coalition for the first time to a significant statement in the future on the Murray-Darling Basin and the importance of that system to South Australia. Certainly, from the Government's viewpoint, the issue of the Murray-Darling is bigger than politics. The honourable member's question gives it the seriousness that it merits. I thank him for that, and I will certainly undertake to get from the responsible Ministers a reply as soon as I can.

ROUNDABOUTS

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Transport a question about roundabouts.

Leave granted.

The Hon. A.J. REDFORD: In the November/December 1995 issue of *SA Motor*, which is a publication of the RAA—

Members interjecting:

The Hon. A.J. REDFORD: You can talk about going around and around; you have a colleague on your left who's gone around and around—an article entitled 'Driving in circles' appears. In that article—

Members interjecting:

The PRESIDENT: Order! The honourable member has the right to be heard in silence

The Hon. A.J. REDFORD: —it states that the Britannia Corner roundabout at Rose Park is the worst intersection for accidents in South Australia. It says that accident statistics show that there were some 346 crashes on the roundabout between 1991 and 1994, not counting the bingles that were not reported to the police. The article also states that there is a great deal of confusion about the appropriate conduct of vehicles negotiating a roundabout. The confusion extends to the courts and magistrates, as claimed in the article. This is particularly so in relation to two-laned roundabouts.

Accidents can happen when drivers in the right lane, turning right, go to exit out on their left; for example, a driver travelling in a southerly direction along Dequetteville Terrace, wanting to turn right into Fullarton Road, enters the intersection in the right-hand lane. The vehicle has to depart

the roundabout by turning left after passing one other entrance to the roundabout.

The Hon. L.H. Davis: What if they're are in the centre left?

The Hon. A.J. REDFORD: Judging by the Hon. Ron Roberts, absolute confusion shall reign supreme.

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: In any event, I continue. The article goes on to say:

> The RAA would like to help resolve the confusion on lane roundabouts, but for two years its attempts to provide information have been thwarted because the rules are so unclear that any advice could be wrong. The procrastination by the various authorities is very puzzling, especially when a solution is available.
>
> Victoria recently introduced a new system for two-lane roundabouts based on a successful one used in Alberta, Canada, and the RAA believes the system should be trialled in South Australia immediately.
>
> The lane markings in the Alberta system give the driver in the right-hand lane priority to the exits. Drivers in the left-hand lane must give way and have to cross the lane markings to proceed. The lane markings make it quite clear which vehicles have priority.

The article states that the Alberta system is incorporated in the National Road Transport Commission uniform road legislation, which is reported in that article to be implemented within the next 18 months. In the light of this, my questions to the Minister are:

1. Will the Minister immediately investigate trialing the Alberta system in order to reduce the numerous accidents that occur at two-lane roundabouts?

2. What steps has the Minister taken to implement the Alberta system?

3. When is the uniform road legislation likely to be introduced into this Parliament?

The Hon. DIANA LAIDLAW: In relation to the third question, the uniform road legislation will be introduced after the National Road Transport Commission has finalised papers on the matter and provided those to the Australian Transport Conference for endorsement. I met with the National Road Transport Commission representatives in my office about four weeks ago, and it is on the agenda for these preliminary papers at least to be released by the end of this year or early next year. So, on the time frame, which is always slow when it comes to national uniformity in terms of road legislation, I would envisage at the earliest the end of next year—in 12 or 15 months' time. The Britannia corner roundabout has been discussed for years and years.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: Well, the Grand Prix adds a further dimension to the difficulties that we all encounter at that roundabout. There are five entrances and exits—it is complicated. It should not be too difficult for South Australians to negotiate. There are other roundabouts around the world—I am thinking in particular of the Arc De Triomphe—that are bigger, have more cars, and are much more complicated than this one, and they work well. For some reason, in engineering terms—

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: Well, you might take your life in your hands, but it has worked well in that city for centuries and it will go on working well for centuries. For some reason, Britannia corner causes problems. I suspect that, in part, that is because there are not many roundabouts in the Adelaide area and people are more confident using sets of lights than having to think about negotiating their way around a roundabout.

Nevertheless, I am prepared to consider the trials that have been undertaken in Victoria in terms of the Alberta system. They are not accepted as the national standard at present. I understand that, in response to the RAA on this matter, the Department of Transport has suggested that the national standard should be adopted first before further work is undertaken in this State in relation to the Alberta crossing, particularly at a roundabout where the cost of the engineering changes would be as expensive as they would be at the Britannia Hotel roundabout.

So, the department has not closed its mind in terms of this initiative. It has tried almost everything else that is possible in engineering terms over the years. It would be prepared to look at this initiative also, but it believes that the national standards should be considered and adopted before we go to the expense of implementing such a change, taking into account the experience in Victoria.

MASLIN SANDS

The Hon. ANNE LEVY: I seek leave to make an explanation before asking the Minister for the Arts a question about the Maslin sands.

Leave granted.

The Hon. ANNE LEVY: I am sure that the Minister is well aware of the wonderful 50 million year old coloured sands at the Rocla Quarry near Maslin Beach. She and I and numerous others have admired these wonderful sands.

The Hon. T. Crothers: From on the beach itself?

The Hon. ANNE LEVY: No, they are in the quarry.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order, the Hon. Mr Cameron!

Members interjecting:

The PRESIDENT: Are you all quite happy? The Hon. Ms Levy.

The Hon. ANNE LEVY: I will start again, and I hope that this will not be taken as a long explanation because I have had to start again. These wonderful coloured sands have been used in various art works. In fact, a German artist has used them, and the art works that he has produced from them now decorate a number of new buildings in his home country, and he has produced similar works in South Australia. The question has long been how to preserve and develop these sands with the approval of the quarry owners so that their full beauty can be appreciated by South Australians and tourists.

About 12 months ago, a report prepared by a private consultant, Cielans and Wark, suggested creating a park incorporating the coloured sands and containing an amphitheatre, walking trails and a geological interpretive centre. I understand that this consultancy was funded through the Department for the Arts, and perhaps also the Department of Tourism—I am not quite sure. I would be interested if the Minister would tell us what that consultancy cost and who paid for it. The proposals put forward were obviously fairly expensive.

The Hon. A.J. Redford interjecting:

The Hon. ANNE LEVY: No, I think the report itself indicated that it would not be cheap to implement its recommendations—that is in response to the interjection from the member who does not like to be interjected on. I have now become aware that the Noarlunga council is applying to the

Federal Government for a small grant to enable research to be done on how the vertical face of the sand can be preserved. A vertical face of sand obviously is susceptible to damage by wind, rain and the general weather changes that occur. I am surprised by this as it seems as though absolutely nothing has happened during the past 12 months since the Cielans and Wark report was received. The question of how to stabilise the vertical face of the coloured sands has always been the key question, which one would have thought would be the first thing to be investigated by anyone before discussing amphitheatres or walking trails. My questions are:

1. Who funded the Cielans and Wark consultancy, and what did it cost?

2. What has been happening during the past 12 months regarding these coloured sands?

3. What commitment has the State Government made to having the vertical face stabilised (which would be the first priority) or to implementing the expensive recommendations in the Cielans and Wark consultancy report, which was presented 12 months ago?

The Hon. DIANA LAIDLAW: I understand that the Maslin quarry coloured sands are recognised as the best in the world. The artist, Nicholas Lang, to whom the honourable member referred but not by name, certainly believes that that is so. He has travelled the world in terms of his work with coloured sands. Tourism in Queensland does a lot of work between Noosa and Fraser Island promoting the coloured sands on those beaches.

In terms of range, colour and area they are absolutely pathetic when compared to the Maslin quarry area. We are sitting on an absolute treasure. These sands are a dilemma, because to walk on them you feel as if you are walking on a work of art in one of nature's wonders, yet at the same time you recognise that you would not even be able to see such beauty had the mining not taken place in the first place. In terms of the consultancy, certainly Art in Public Places was extremely generous in funding the consultancy, and has continued to play a leading role in terms of liaison with the quarry company Rocla.

Over the past 12 months there has been consistent work undertaken, but not more than the company wished to have undertaken. This is still a working mine, and Rocla still has considerable licence and a number of years in which to remove further sands. So, it does not want artists and everyone else running all over this working mine. It has agreed to work with Art in Public Places and with the Government in terms of which areas of sand it should remove next and where the overburden should go in terms of making a large arena and forum area. When it has exhausted the sands it has permission to mine it can then leave the site in a fashion that can be used for a public purpose. There is no sense of urgency, as was suggested by the honourable member's question. We are working steadily to the timetable that Rocla has set in terms of its working plan for this site.

In the meantime, we have gained the agreement, following correspondence that I sent to the Minister for Mines and Energy, that he would deem this project suitable for funding under the quarry rehabilitation program. Members would be aware that, for every tonne of material mined, the mine operator puts money into the rehabilitation fund. Rocla has been doing so for some years. When the feasibility study has been completed, that fund will be used, first, for the feasibility study, and then for some of the work related to stabilising of the faces and public access. But we are some distance away from opening this area to the public, because it remains a working mine.

The Hon. ANNE LEVY: As a supplementary question, why then is Noarlunga council applying to the Federal Government for funds if there is plenty of money available in the mine rehabilitation fund for the necessary preliminary work?

The Hon. DIANA LAIDLAW: I have never said that there is plenty of money available: I have said that the Minister has agreed to help fund the feasibility study. The Minister has also agreed that there would be part funds available in principle for public and safe access to the area. That work would involve the stabilising of the faces of the quarry and the sands. I think it is fantastic that the Noarlunga council is sufficiently interested and would apply to the Federal Government for funds. The more funds and more support we can get for such a project over time the better, because then the State will have additional resources for other public works of art in public places.

ABORIGINAL HERITAGE

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Aboriginal Affairs, a question about Aboriginal heritage.

Leave granted.

The Hon. R.D. LAWSON: Recently, the Federal Aboriginal Affairs Minister, Mr Robert Tickner, announced an independent review of the protection of Aboriginal objects and sacred sites. He announced that the review is to be conducted by former Chief Judge of the Family Court, Elizabeth Evatt. He said that the aim of the review was to achieve greater cooperation from State Governments in addressing indigenous heritage issues. My questions to the Minister are:

1. Were State Ministers for Aboriginal Affairs made aware of the Federal Minister's desire for greater cooperation with the States prior to his announcement of this review?

2. Has the Minister received any, and, if so, what communication from this review?

3. Does the Minister see any need for it?

The Hon. DIANA LAIDLAW: I will refer the honourable member's question to the Minister and bring back a reply.

SAND REPLENISHMENT

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for the Environment and Natural Resources, a question about metropolitan beaches.

Leave granted.

The Hon. M.J. ELLIOTT: Adelaide's metropolitan shoreline has become unstable because of building works which occurred over the dunes. Under natural conditions, during the winter sand was removed from dunes and moved offshore where it then reduced wave energy. During summer, this sand returned to the dunes and, under this regime, there was very little long shore drift. The only way that we are able to recreate natural conditions similar to the original system is to remove buildings from the original sand dunes or to introduce enough additional sand from outside the system to build a new dune system. Several years ago, the Coast Protection Board was keen to replenish our metropolitan

beaches by importing new sand to the shore line. I understand that its long term goal was to rebuild dunes right along the Adelaide coast.

At present, we have an annual program under which sand is being shifted predominantly from northern to southern beaches. It appears to be proving self defeating. If we want to avoid doing that every year there will need to be a major injection of new sand. While it may be costly to rebuild dunes, there will be cost savings as the annual program of sand carting would be unnecessary. Foreshore damage would be greatly reduced and it would also reduce the inconvenience to residents. I also understand that one aspect of a proposal for the dumping of Adelaide's rubbish near Port Wakefield is that there could be back-loading of sand, which would create a cross subsidy between the two operations. My questions to the Minister are:

1. What is the Minister's view of importing new sand to our beaches?

2. Does the Minister acknowledge the long-term advantages of the re-establishment of sand dunes rather than the continued shuffling of sand along our beaches, incurring both cost and major inconvenience?

The Hon. DIANA LAIDLAW: I will refer the honourable member's question to the Minister and bring back a reply.

TREASURY BUILDING

The Hon. P. NOCELLA: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Tourism, a question about the Treasury Building.

Leave granted.

The Hon. P. NOCELLA: Towards the end of last year the Government called for tenders for the reactivation and reuse of the Treasury Building. I understand that amongst those who submitted tenders there was a proposal for the use of the Treasury Building as an interpretative centre for multicultural history of the State. In other words, the proposal looked at the Aboriginal and ancestral history of South Australia and then referred to more recent history since settlement in the latter part of last century and the first part of this century by Europeans. This was to be complimented by a high technology form of presentation known as multi-sensory projections, which has been operating successfully at Melbourne's South Bank.

In addition, in the proposal the Treasury Building tunnels were to be utilised to illustrate the history of opal mining in South Australia. Of course, this would have had beneficial repercussions for visitors to South Australia who do not have time to go to Coober Pedy or other opal fields but who would have been able to gain a good understanding of what this type of mining represents for the State in the reconstructed centre. This proposal has not been successful and I understand that the scaffolding around the Treasury Building that has been there for the last three months has covered little activity. My questions to the Minister are:

1. What were the criteria for selection of the successful tenderer?

2. Will the Minister announce the name of the successful tenderer and the nature of the project?

3. Will the Minister inform the Council of the timing of the project's anticipated time lines?

4. Is the successful tenderer in receipt of any incentive or assistance, financial or otherwise?

The Hon. K.T. GRIFFIN: I will refer the question to the Minister in another place and bring back a reply.

WATER METERS

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Minister for Industry, Manufacturing, Small Business and Regional Development, a question about contractors in SA Water.

Leave granted.

The Hon. G. WEATHERILL: It has been brought to my attention recently that SA Water has subcontractors running around South Australia changing meters. Apparently the subcontractors have had no training whatsoever and sometimes, in fitting meters, they are breaking the inlet riser, which is the live side of the rear stop valve. They are then notifying SA Water of a leak at the meter. They do not know that, if they carry small wooden plugs, they can plug the services. Sometimes the services are left for some time and a few front yards have been flooded because the district waterman has not had time to attend to the problem. Instead of covering one area, they now cover four areas. Although they are told that the meter is leaking, it is no longer a priority job. Sometimes people are ringing regularly and they find that with a three-quarter service it can discharge up to 72 litres a minute, which is a lot of water in a couple of hours.

I refer to the releathering of stop valves from half inch to one inch. This was carried out by district watermen or emergency watermen and they can do it under pressure. It is simple to do: I used to be a district waterman and I know it is simple to releather these services. Certainly, it is important that these workers are experienced in their field because, if there is a leak on a private service, there can be damage within a household or garden area. Is the Minister going to have a training program for these subcontractors and contractors and will people who have a leak on their private service that has not been fixed, which could take up to several days, be given a reduction in their water rates as is the case at present?

The Hon. R.I. LUCAS: I will refer the honourable member's question to the Minister and bring back a reply.

TRANSPORT FARES

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Minister for Transport a question about public transport.

Leave granted.

The Hon. P. HOLLOWAY: The recently first tabled Annual Report of the Passenger Transport Board (PTB) indicated that multitrip tickets were used by 74.1 per cent of all passengers in 1994-95. The usage of multitrips decreased by 5.3 per cent over the year while single trip tickets increased by 1 per cent. Earlier this year the Government announced that the discount applying to multitrip tickets, which is currently 40 per cent less than single trips, will be reduced to a 30 per cent discount over the next three years. This will lead to an increase in the cost of a zone multitrip ticket from $16 to $18, an increase of 18 per cent. Therefore, my questions are:

1. Will the 18 per cent increase in multitrip tickets foreshadowed by the Minister earlier this year be phased in or introduced in one hit?

2. If so, when will this take place, given that the discount on multitrip tickets was introduced to encourage the off-board purchase of tickets and that the usage of multitrip tickets fell last year?

3. Is the Minister concerned that the reduction in the discount for multitrip tickets will further erode their use and reduce the efficiency of ticket purchase on public transport?

4. Was any of the increased revenue expected to be gained from public transport fare increases foreshadowed earlier this year factored into the savings that the Government claims will be made from the contracting out of services?

The Hon. DIANA LAIDLAW: No, because the revenue is certainly considered as a separate item to the costs of the services. It is in the cost of the services where we will be gaining a $3 million saving in terms of the outer north, on a per annum basis. In terms of the fare changes that will take place over the next three years (the three year fare strategy), this will be phased in so that the reduction in discount in the price of the multitrip ticket will be phased in over three years. Currently, it is by far the highest discount in Australia and it will be reduced to a level of about 30 per cent which, I understand, will remain the highest discount in Australia, or certainly in that league. So, there will continue to be a generous discount of one-third on the price of a multitrip ticket compared to the cost of purchasing 10 single trip tickets.

By reducing the discount from 43 or 45 per cent to about 30 per cent it is about 20¢ per journey. The change in the price of the ticket per journey over that period will be 20¢. When one considers that we have a flat fare structure, which was also reconfirmed as part of the fare strategy, the modest increase of 20¢ per journey is fair and reasonable and I do not believe on that basis it will have an effect on passenger numbers. It was important to give people who use the service on a regular basis and operators some idea of where the PTB intended to go. It is the PTB that declares the fares. This would enable bus operators to plan. In the past we have known that when these fare increases come in we see a drop in patronage because it is *ad hoc*. It will not be *ad hoc* in the future.

STATUTES AMENDMENT (DRINK DRIVING) BILL

The Hon. DIANA LAIDLAW (Minister for Transport) obtained leave and introduced a Bill for an Act to amend the Harbors and Navigation Act 1993, the Motor Vehicles Act 1959 and the Road Traffic Act 1961. Read a first time.

The Hon. DIANA LAIDLAW: I move:

That this Bill be now read a second time.

The purpose of this Bill is to amend the Road Traffic Act 1961, the Harbors and Navigation Act 1993 and the Motor Vehicles Act 1959 with regard to various provisions relating to drink driving. This Bill seeks to address anomalies and seeks to ensure that provisions relating to the taking of blood alcohol samples are strengthened. Until recently, the provisions of the Road Traffic Act and Harbors and Navigation Act dealing with drink driving had been similar. However, in a number of instances more recent amendments to the Road Traffic Act had not been incorporated into the Harbors and Navigation Act.

As the responsibilities and concentration required for driving are similar whether on the water or the roads, there is a need to ensure that the law in both cases is similar. This Bill, therefore, incorporates the previous amendments to the drink drive provisions of the Road Traffic Act, and those now proposed into the Harbors and Navigation Act. As a result of instances where learner drivers have been involved in accidents and the accompanying licensed driver has been under the influence of alcohol, further provisions are required to strengthen the law.

It is a requirement under the Motor Vehicles Act for a licensed driver to supervise and instruct the learner driver at all times while in control of a vehicle, yet there is no provision under either the Motor Vehicles Act or the Road Traffic Act for the licensed driver to be breath tested in the event of an accident. There are a number of potential problems arising from this. Not only does the licensed driver display inappropriate driving behaviour to an inexperienced driver, he or she may also be unable to provide proper supervision. In the event of the licensed driver being involved in an accident, or if he or she has committed an offence and not being in a fit state to drive, the licensed driver could take the opportunity to pretend that the learner driver was in charge of the vehicle and escape the likely consequences.

The amendment to the Motor Vehicles Act will overcome this defect by providing a maximum blood alcohol concentration of .05 per cent for a licensed driver accompanying a learner driver. It will also ensure that the licensed driver can be subjected to a breath or blood analysis as though he or she was the driver of the vehicle. The learner driver will remain subject to all breath testing and penalty provisions currently applying. Section 47i of the Road Traffic Act sets out the steps to be taken by a medical practitioner when taking a blood sample from a person who attends or is admitted to hospital as a result of a motor vehicle accident.

It requires one sample of blood to be given to or retained on behalf of the person from whom the blood was taken. A second sample is given to police for analysis. This procedure provides the person with an opportunity to have the blood analysed in the event that he or she wishes to verify the evidence which might be presented in a prosecution arising from the motor vehicle accident. The courts have held that if a defendant has not been provided with the blood sample and therefore denied this opportunity to fully test it, the prosecution must fail. A number of prosecutions have failed or have been withdrawn on this basis.

Situations have arisen where it has not been possible to show that the treating medical staff have handed the blood sample to the defendant. This Bill removes the responsibility from medical staff for determining who should receive the patient sample and will provide an independent control of these samples. The effect of the amendment will be that both patient and evidentiary blood samples are forwarded to the Forensic Science Centre. A certificate will be given to the patient by the medical practitioner or left with his or her personal effects at the hospital, outlining that the blood sample will be forwarded to the Forensic Science Centre and will be available for collection from there.

In order to ensure that the defendant is provided with the opportunity to obtain his or her blood sample, a letter will be sent advising the defendant that the sample is available for collection. Failure to collect the sample will not prevent presentation in evidence of the results from analysis of the

evidentiary sample. The Supreme Court has drawn attention to the difficulties arising from the operation of section 47G(1a) of the Road Traffic Act. This section precludes the introduction of evidence to rebut the reading produced by a breath analysis instrument as to the defendant's blood alcohol level, other than by way of evidence which is obtained by blood analysis.

This provision has the effect of discouraging deliberate drinking after an accident, for example, with the object of presenting a defence that, at the time of the accident, the defendant was not affected by alcohol. A defence could otherwise be made out that the breath analysis reading was the result of consumption of alcohol between the time of the accident and the time of the breath analysis. Whilst this section prevents such evasion, it has in fact led to a number of injustices. To overcome this problem, an amendment will allow a defence of 'intermediate drinking'. This defence will only be available if the defendant, on the balance of probabilities, can show that he or she had consumed alcohol after ceasing to drive or attempting to drive.

It will also be necessary to show that the amount of alcohol consumed in that time would have been sufficient to raise the blood alcohol level to a point where drinking whilst driving was an offence. If satisfied that the defence of intermediate drinking has been made out, a court can dismiss the charge or convict of an offence of a less serious category. Concern has been expressed that the introduction of this defence could lead to intoxicated drivers consuming alcohol at the scene of an accident, or leaving the scene with the intention of consuming alcohol, or claiming to have consumed alcohol in order to establish grounds for a defence of intermediate drinking.

To overcome this problem, the Bill specifically precludes the use of the defence in situations where a driver consumes alcohol at a breath testing station or at the scene of an accident or leaves the scene of an accident and fails to comply with the provisions of the Road Traffic Act with regard to responsibilities at the scene of an accident. On this basis, the defence will only be available to those drivers who have complied with their responsibilities under the Road Traffic Act.

As a defence of 'intermediate drinking' will now be available, there is no justification for continuing to accept this as an excuse for failing to take a breath test. Intermediate driving will therefore be specifically precluded as a reason for failing to comply with a requirement or direction to submit to an alcotest or breath analysis.

A recent appeal before the Supreme Court has highlighted the need for a provision relating to the approval of the blood testing kits to be clarified. In order to overcome the difficulties of proving whether or not the kit provided is one approved by the Minister for Transport, amendments are proposed requiring the kits to be of a kind declared by the Governor by regulation to be approved blood test kits.

At the request of the Director of Public Prosecutions, amendments to section 47G(1) of the Road Traffic Act and section 73(5) of the Harbors and Navigation Act have been included in the draft Bill to extend the use of a blood alcohol certificate as proof in other offences such as reckless and dangerous driving or causing death or injury by reckless driving. In at least six prosecutions every year, up to five days are spent during each prosecution in proving facts of this nature. The amendments will avoid the need for this by allowing the use of certificates as an evidentiary aid in proving the accuracy of blood alcohol readings in such prosecutions. The presumption that the blood alcohol level recorded in the breath analysis was present in the defendant's blood during the preceding two hours will, however, only apply in drink driving prosecutions and not in prosecutions for the other offences.

Despite significant measures taken to remind drivers of the danger of drink driving, irresponsible behaviour still exists on our roads. I strongly believe that these amendments will assist in getting this important message across. I commend this Bill to honourable members and seek leave to have the detailed explanation of the clauses inserted into *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clauses 1 and 2 are formal.

Clause 3: Interpretation

Clause 3 provides that a reference in this measure to the principal Act is a reference to the Act referred to in the heading to the Part in which the reference occurs.

PART 2

AMENDMENT OF HARBORS AND NAVIGATION ACT 1993

Clause 4: Amendment of s. 71—Requirement to submit to alcotest or breath analysis

Section 71 of the principal Act provides that a person who is operating or has operated a vessel within the preceding two hours, or is or was on duty as a member of the crew of a vessel operated within the preceding two hours, may be required to submit to an alcotest or breath analysis.

The proposed amendment provides that a person is not entitled to refuse to submit to an alcotest or breath analysis on the ground that the person consumed alcohol after the person last operated a vessel or was on duty as a member of the crew of a vessel and before being asked to submit to an alcotest or breath analysis. The amendment also provides (in similar terms to the corresponding provision of the *Road Traffic Act 1961*) that it will not be a defence that the reason for refusal was the physical or medical condition of the person unless—

(a) a sample of the person's blood was taken; or

(b) the person requested that a sample of blood be taken but an authorised person failed to do so or a medical practitioner was not reasonably available to do so; or

(c) the taking of a sample of a person's blood was not possible or reasonably advisable or practicable in the circumstances because of some physical or medical condition of the person.

Clause 5: Amendment of s. 72—Police to facilitate blood test at request of incapacitated person, etc.

Clause 5 amends section 72 of the principal Act to remove the right of a person who has been required to submit to a breath analysis to require assistance to have a sample of blood taken. An exception to this is where that person has refused to submit to a breath analysis because of some physical or medical condition and has immediately requested that a sample of blood be taken. The taking of a blood sample in these circumstances will be at the expense of the Crown. This amendment is consistent with previous amendments to the *Road Traffic Act 1961*.

Clause 6: Insertion of ss. 72A and 72B

Clause 6 inserts two new sections into the principal Act. The proposed section 72A provides that where—

(a) a person submits to a breath analysis outside Metropolitan Adelaide; and

(b) the person requests a blood test kit; and

(c) it appears to an authorised person that the person will not be able to make transport arrangements within two hours after the conduct of the breath analysis to a place at which a sample of the person's blood may be taken and dealt with; and

(d) the person requests of an authorised person that they be transported to such a place,

an authorised person must arrange such transport.

The proposed section 72B provides that where a person submits to a breath analysis outside Metropolitan Adelaide a sample of the

person's blood may be taken by a registered nurse instead of a medical practitioner.

Again, these new provisions are consistent with changes previously made to the *Road Traffic Act 1961*.

Clause 7: Amendment of s. 73—Evidence

Section 73 of the principal Act provides a presumption that the concentration of alcohol indicated as being present in the blood of a person by a breath analysing instrument was in fact present in the blood of the person at the time of analysis and for the preceding two hours. This presumption may be rebutted by evidence of the concentration of alcohol in the person's blood as indicated by a blood test conducted under Part 10 Division 4 of the principal Act. Under the proposed amendment the presumption will only be rebutted by evidence of the concentration of alcohol indicated by a blood sample (which must have been taken under section 74 following an accident or under the proposed new procedures relating to blood test kits) and evidence that relates the analysis of the blood sample and the results of the analysis to the question whether the breath test gave an exaggerated reading of the defendant's blood alcohol level.

The clause makes amendments so that the presumption and evidentiary provisions in section 73 apply in relation to offences against other Acts (for example, the *Criminal Law Consolidation Act*) as well as offences against the principal Act. The presumption that the blood alcohol concentration indicated by a breath analysis was present during the two hours preceding the analysis will not, however, apply in relation to offences against other Acts.

An amendment to subsection (4) provides that the person operating the breath analysing instrument must, if the breath analysis indicates a concentration of alcohol exceeding the prescribed level and the person requests it, give the person an approved blood test kit in the same way as under the *Road Traffic Act 1961*. A new evidentiary provision is included relating to compliance with subsection (4) together with a provision limiting defence argument as to deficiencies of a blood test kit furnished to the defendant to deficiencies that prevent compliance with the procedures in the regulations relating to the use of blood test kits. The above amendments also match the corresponding *Road Traffic Act* provisions.

The clause also separates the subject matters of a certificate under the evidentiary provision contained in subsection (5)*(b)* so that certificates may be issued by different authorised officers.

Clause 8: Insertion of s. 73A

Clause 8 inserts section 73A into the principal Act. The proposed new section provides that where the prosecution relies on evidence of the results of a breath analysis to establish that the defendant is guilty of an offence against Part 10 Division 4 of the principal Act and the defendant satisfies the court—

(a) that the defendant consumed alcohol after the defendant last operated a vessel or was on duty as a member of the crew of a vessel and before the performance of the breath analysis; and

(b) in a case where the defendant was required to submit to the breath analysis after involvement of the vessel in an accident—that the requirements of section 76 (relating to rendering assistance and providing particulars) were complied with and that alcohol was not consumed by the defendant while at the scene of the accident; and

(c) that, after taking into account the quantity of alcohol consumed by the defendant during that time and its likely effect on the concentration of alcohol indicated as being present in the defendant's blood by the breath analysis, the defendant should not be found guilty of the offence charged,

the court may find the defendant not guilty of the offence charged or guilty of an offence of a less serious category. This proposed new section corresponds to a similar provision proposed to be inserted in the *Road Traffic Act 1961* by the amendments contained in Part 4 of the Bill.

Clause 9: Amendment of s. 74—Compulsory blood tests of injured persons including water skiers

Clause 9 amends section 74 to provide that when a medical practitioner takes a sample of blood the medical practitioner must give to the person from whom the sample was taken, or leave with that person's personal effects at the hospital, a notice advising that the sample of blood has been taken under this section and that part of that sample is available for collection at a specified place.

The proposed amendment provides that one of the containers containing the sample of the person's blood must be collected by a member of the police force and delivered to the place specified in the notice and be kept available at that place for collection by the person from whom the blood sample was taken.

These amendments also correspond to amendments proposed to be made to the *Road Traffic Act 1961* under Part 4 of the Bill.

Clause 10: Amendment of s. 76—Duty to render assistance and provide particulars

This clause makes drafting corrections only.

PART 3

AMENDMENT OF MOTOR VEHICLES ACT 1959

Clause 11: Amendment of s. 75a—Learner's permit

Clause 10 amends section 75a to provide that a person must not act as a qualified passenger for a learner driver while there is present in bis or her blood the prescribed concentration of alcohol (0.05 grams or more in 100 millilitres of blood). The penalty is a maximum fine of $1 000.

Clause 12: Amendment of s. 81a—Probationary licences

Clause 11 makes amendments to section 81a that are required as a result of amendments made in Part 4 of this measure to the *Road Traffic Act 1961*.

PART 4

AMENDMENT OF ROAD TRAFFIC ACT 1961

Clause 13: Amendment of s. 47A—Interpretation

This clause adds to section 47A a new definition of an approved blood test kit. Blood test kits will now be approved by regulation.

Clause 14: Amendment of s. 47E—Police may require alcotest or breath analysis

Section 47E provides that in certain situations the police may require a person to submit to an alcotest or breath analysis.

The proposed amendment alters subsection (5) to provide that a person is not entitled to refuse to submit to an alcotest or breath analysis on the ground that the person consumed alcohol after the person last drove a motor vehicle or attempted to put a motor vehicle in motion and before being asked to submit to an alcotest or breath analysis.

Clause 15: Amendment of s. 47G—Evidence, etc.

Section 47G of the principal Act creates a presumption that the concentration of alcohol indicated as being present in a person's blood by a breath analysing instrument was the concentration of alcohol at the time of the analysis and for the preceding two hours. This presumption may be rebutted by analysis of a sample of blood. Under the proposed amendment it is only rebutted by evidence of the concentration indicated by a sample of blood and evidence relating the analysis of the blood sample and the results of the analysis to the question whether the breath test gave an exaggerated reading of the defendant's blood alcohol level.

The clause makes amendments so that the presumption and evidentiary provisions in section 47G apply in relation to offences against other Acts (for example, the *Criminal Law Consolidation Act*) as well as any offences against the principal Act. The presumption that the blood alcohol concentration indicated by a breath analysis was present during the two hours preceding the analysis will not, however, apply except in relation to offences against section 47(1) or 47B(1). The evidentiary provision as to whether a breath analysing instrument was in proper order and was properly operated will not apply in relation to an offence against section 47E(3) relating to failure to comply with directions as to a breath analysis.

An amendment to subsection (2a) provides that the person operating the breath analysing instrument must, if the breath analysis indicates a concentration of alcohol exceeding the prescribed level and the person requests it, give the person a blood test kit in a form approved by the Governor by regulation rather than one approved by Ministerial notice.

A new evidentiary provision is included relating to compliance with subsection (2a) together with a provision under which defence arguments as to deficiencies of a blood test kit furnished to the defendant would be limited to deficiencies that prevent compliance with the procedures in the regulations relating to the use of blood test kits.

Clause 16: Insertion of s. 47GA

This clause inserts section 47GA into the principal Act. The proposed new section provides that where the prosecution relies on evidence of the results of a breath analysis in order to establish that the defendant is guilty of an offence against section 47(1) or 47B(1) and the defendant satisfies the court—

(a) that the defendant consumed alcohol after the defendant last drove a motor vehicle or attempted to put a motor vehicle in motion and before the performance of the breath analysis; and

(b) in a case where the defendant was required to submit to the breath analysis under section 47E(1)*(d)* (following involvement in an accident)—that the defendant complied with section 43(3)*(a)*, *(b)* and *(c)* in relation to the accident (that is, stopped the vehicle, rendered assistance and provided personal and vehicle particulars) and that alcohol was not consumed by the defendant at the scene of the accident ; and

(c) in a case where the defendant was required to submit to the breath analysis under section 47E(2a) (at a breath testing station)—that the alcohol was not consumed by the defendant in the vicinity of the breath testing station; and

(d) that, after taking into account the quantity of alcohol consumed by the defendant after he or she last drove a motor vehicle and before the breath analysis and its likely effect on the concentration of alcohol indicated as being present in the defendant's blood by the breath analysis, the defendant should not be found guilty of the offence charged,

the court may, despite the other provisions of the Act, find the defendant not guilty of the offence charged or guilty of an offence of a less serious category.

Clause 17: Amendment of s. 47I—Compulsory blood tests

This clause amends section 47I to provide that when a medical practitioner takes a sample of blood from a person under this section the medical practitioner must give to the person, or leave with the person's personal effects at the hospital, a notice advising that a sample of blood has been taken and that part of that sample is available for collection at a specified place. The proposed amendment also provides that one of the containers containing the sample of the person's blood must be collected by a member of the police force and delivered to the place specified in the notice and be kept available at that place for collection by the person from whom the blood sample was taken.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

STATUTES AMENDMENT (COURTS ADMINISTRATION STAFF) BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Courts Administration Act 1993, the District Court Act 1991, the Environment, Resources and Development Court Act 1993, the Magistrates Court Act 1991, the Sheriff's Act 1978, the Supreme Court Act 1935, the Young Offenders Act 1993 and the Youth Court Act 1993. Read a first time.

The Hon. K.T. GRIFFIN: I move:

That this Bill be now read a second time.

The State Courts Administration Council is established under the Courts Administration Act 1993. The council provides the courts with the administrative facilities and services necessary for the proper administration of justice. Section 3 of the Act provides that the State Courts Administration Council is an administrative authority independent of control by executive government. The inference of this is that the Courts Administration Authority, which is the collective term for the council, the State Courts Administrator and the staff of the council, cannot be an administrative unit of the Public Service.

This inference is supported by the inconsistencies between the Public Sector Management Act 1995 (and the former Government Management and Employment Act) and the Courts Administration Act. The Public Sector Management Act provides that the Chief Executive of an administrative unit is subject to the direction of, and is responsible to, the Minister. The Courts Administration Act provides that the Administrator, who has the powers of a Chief Executive, is subject to the direction of, and is responsible to, the Courts Administration Council. There are other provisions of the Public Sector Management Act which give the Commissioner for Public Employment powers over the Chief Executive of an administrative unit which are inconsistent with the Administrator's status of being responsible to the council and independent of Government.

The Courts Administration Act 1993 provides that, for other than senior positions, the staff of the council are to be appointed by the Administrator under the Government Management and Employment Act 1985. The staff were, in the main, public servants employed in the Court Services Department, and by virtue of the schedule to the Courts Administration Act are now to be taken to have been appointed under the Courts Administration Act. It had been assumed that these persons remained public servants and that subject to the specific provisions of the Courts Administration Act the Government Management and Employment Act (now the Public Sector Management Act 1995) applied to them. However, if the Courts Administration Authority is not an administrative unit of the Public Service, the status of the staff of the authority is unclear as the Public Sector Management Act provides, as did the Government Management and Employment Act, that all persons employed by or on behalf of the Crown must be employed in the Public Service, and the Public Service consists of administrative units established under the Public Sector Management Act. This ambiguity in the status of the staff of the Courts Administration Authority needs to be resolved.

The establishment of the Courts Administration Authority is predicated upon the Administrator and staff of the authority being responsible to the State Courts Administration Council, and this is incompatible with the staff being public servants under the Public Sector Management Act. However, it is desirable to maintain flexibility and uniformity in the terms and conditions of employment of all public sector employees. Accordingly, this Bill provides that the provisions of the Public Sector Management Act, except those provisions which are stated not to apply, apply to the staff of the council.

Changes are made in the way senior staff of the council are appointed. Section 18 of the Act now provides that senior staff are appointed by the Governor on terms and conditions determined by the Governor. Under section 33 of the Public Sector Management Act, the Chief Executive of an administration unit may appoint persons as executives of the unit. New section 18 of the State Courts Administration Act provides that senior staff are to be appointed by the Administrator with the approval of the State Courts Administration Council. The terms and conditions of the appointments will be governed by the Public Sector Management Act. This will ensure consistency with the Public Service in relation to the manner, terms and conditions of appointments of staff of an executive level.

Section 16 of the Courts Administration Act provides for the position and appointment of the State Courts Administrator. There is no provision in the Act for the Deputy or any other person to act in the Administrator's place when the Administrator is, for example, on leave or out of the State. When the Administrator is absent the State Courts Administration Council must nominate a person to act as Administrator and the Governor must appoint the person as Administrator. Clause 4 of the Bill provides that the Council may assign an appropriate employee to act as Administrator during a vacancy in the office of Administrator or when the Administrator is absent from, or unable to discharge, official duties. This amendment will streamline the administration of the

Act. Consequential amendments to the legislation constituting the various courts are made to reflect that staff are now appointed under the Courts Administration Act.

The further amendments to the Supreme Court Act recognise the existing practice in the appointment of tipstaves and judges' associates.

The amendments to the Young Offenders Act change the way in which youth justice coordinators are appointed. The requirements in section 9(1)(b) of the Young Offenders Act that youth justice coordinators be appointed by the Minister has given rise to difficulties in their employment status. This amendment provides that they are appointed, as are all other court staff, by the State Court Administrator as staff of the State Courts Administration Council. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure is to be brought into operation by proclamation.

Clause 3: Interpretation

References in the measure to the principal Act are references to the Act referred to in the heading to the Part in which the reference occurs.

Part 2 (*clauses 4 to 9*) contains amendments to the *Courts Administration Act 1993*.

Clause 4: Amendment of s. 16—The State Courts Administrator

The clause updates a reference to provisions of the *Government Management and Employment Act 1985* to a reference to the corresponding provisions of the *Public Sector Management Act 1995*.

The clause also inserts a new provision to empower the State Courts Administration Council to assign an appropriate employee to act as the State Courts Administrator during a vacancy in the office or absence or incapacity of the Administrator.

Clause 5: Amendment of s. 17—Functions and powers of the Administrator

The clause changes a reference to "Chief Executive Officer" to "Chief Executive" so that it matches the terminology adopted by the new *Public Sector Management Act*.

Clause 6: Substitution of ss. 18, 19 and 20

Section 18 of the principal Act currently provides for appointments of senior staff (holders of senior Council staff positions listed in the regulations) to be made by the Governor on terms and conditions determined by the Governor. Appointments to these positions are on the nomination of the Council and no appeal lies in respect of such an appointment.

The proposed new section 18 leaves these appointments to be made by the Administrator with the Council's approval. This arrangement more closely accords with the *Public Sector Management Act* provisions for the Public Service under which Chief Executives are now responsible for making appointments at senior levels in their administrative units. Under proposed new section 21B (see *clause 8*), the *Public Sector Management Act* provisions will apply to such appointment in the same way as to Public Service appointments. Among the provisions applying would be the provisions excluding appeal rights in respect of appointments to executive positions in the Public Service.

Current section 19 of the principal Act requires the Council's consent before disciplinary action may be taken against a member of the Council's senior staff. This section is replaced with a new provision requiring such consent in respect of termination of the employment of a member of the Council's senior staff as well as in respect of disciplinary action.

Current section 20 (which deals with the application of the *Government Management and Employment Act*) is to be replaced by proposed new section 21B (see *clause 8*).

Clause 7: Amendment of s. 21—Other staff

Section 21 of the principal Act currently provides that appointments to positions on the Council's staff (other than senior staff positions) are to be made by the Administrator under the *Government Management and Employment Act*. This obsolete reference to the *Government Management and Employment Act* is removed. The application of the new *Public Sector management Act* to both senior and other positions on the Council's staff is, as mentioned previously, to be dealt with by proposed new section 21B.

Clause 8: Insertion of ss. 21A and 21B

Proposed new section 21A spells out that the Council staff comprises not just the Administrator and Deputy Administrator and other providers of general court administrative services, but also includes the non-judicial officers of the participating courts—the registrars, sheriff officers and so on. This provision reflects the particular provisions to be found in most of the Acts establishing the participating courts. Subclause (2) makes it clear that any special provision in any such other Act providing for the appointment, or otherwise specifically relating to such non-judicial court officials, continues unaffected.

Proposed new section 21B applies the *Public Sector Management Act* to the staff and positions on the staff of the Council in the same way as to an administrative unit and positions in an administrative unit of the Public Service. This is subject to necessary modifications and exclusions and also modifications and exclusions that may be prescribed by regulation. In addition, the following *Public Sector Management Act* provisions are excluded:

- Part 4 relating to Chief Executives (other than section 17—the provision allowing for delegation by a Chief Executive);
- section 22(1)*(c)*—the general function of the Commissioner for Public Employment to monitor and review personnel management and industrial relations practices;
- section 22(1)*(e)*—the function of the Commissioner for Public Employment to conduct particular reviews of personnel management or industrial relations practices as required by the Minister or on the Commissioner's own initiative;
- in relation to senior Council staff positions, section 7(3) and (4)—the power of the Governor to transfer employees within the Public Service and incorporate non-Public Service employees into an administrative unit.

The proposed new section 21B also makes it clear that the *Superannuation Act 1988* applies to Council staff in the same way as to Public Service employees. This provision was not thought to be required previously as the Council staff were taken to have been Public Service employees.

Clause 9: Amendment of s. 22—Responsibility of staff

This clause makes a drafting amendment only designed to make it clear that the references to a "court" are to a "participating court" which may be a tribunal and not a court according to the ordinary meaning of the term.

Parts 3, 4, 5, 6, 7 and 9 of the Bill make consequential amendments to the *District Court Act 1991*, the *Environment, Resources and Development Court Act 1993*, the *Magistrates Court Act 1991*, the *Sheriff's Act 1978*, the *Supreme Court Act 1935* and the *Youth Court Act 1993*. These amendments reflect the basic change proposed by the Bill, that is, that appointments to the Council's staff are not to be under the Act governing the Public Service, but by the State Courts Administrator under the *Courts Administration Act* with all appropriate provisions of the *Public Sector Management Act* applying in the same way as to Public Service employees. Provisions requiring the recommendation, nomination or approval of the judicial head of a participating court in respect of such an appointment are retained. Associates of Supreme Court judges will continue to be appointed and subject to removal by the Chief Justice.

Part 8 *(clause 18)* amends the *Young Offenders Act 1993* so that Youth Justice Co-ordinators (who are not magistrates) will be appointed by the State Courts Administrator under the *Courts Administration Act* and not, as under the current provision, by the Minister.

Part 10 *(clause 20)* makes transitional provisions designed to ensure that earlier appointments to non-judicial offices or positions will be taken to have been made under and to have been subject to the new provisions proposed by this measure.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

CONSUMER TRANSACTIONS (MISCELLANEOUS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Minister for Consumer Affairs) obtained leave and introduced a Bill for an Act to

amend the Consumer Transactions Act 1972. Read a first time.

The Hon. K.T. GRIFFIN: I move:

That this Bill be now read a second time.

It repeals references to the Commercial Tribunal in the Consumer Transactions Act 1972 and makes necessary amendments in preparation for the national Uniform Consumer Credit Code. Another Bill, the Statutes Repeal and Amendment (Commercial Tribunal) Bill 1995, repeals the jurisdiction of the Commercial Tribunal in other Acts, namely, the Goods Securities Act 1986, the Trade Measurement Act 1993, the Trade Measurement Administration Act 1993, the Survey Act 1992 and the Fair Trading Act 1987. The Consumer Transactions Act contains several references to the Commercial Tribunal due to its jurisdiction in credit and other matters. The Bill removes those references and transfers the jurisdiction to the Magistrates Court Civil (Consumer and Business) Division.

This Bill is consistent with the Government's policy to rationalise the various jurisdictions, multiplicity of courts and procedures for disputes and enforcement; and where appropriate to bring proceedings within existing courts. The Bill also makes necessary amendments in preparation for the national introduction of the Uniform Consumer Credit Code, which is scheduled for 30 March 1996. Parliament has already passed the Consumer Credit (South Australia) Act 1995 and the Credit Administration Act 1995. The provisions of this Bill dealing with the credit amendments will, of course, be proclaimed at the same time as the two credit Acts to which I have just referred. The effect of the Bill is to have an amended Consumer Transactions Act, which will retain the warranty provisions and other consumer protection measures, and will reflect modern drafting conventions, owing to the inclusion of Schedule 2. I commend this Bill to the House, and I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure on a day fixed by proclamation.

Clause 3: Amendment of long title

This clause amends the long title of the principal Act to remove obsolete wording.

Clause 4: Amendment of s. 5—Interpretation

This clause updates definitions and removes obsolete ones. Currently the Act applies to consumer contracts under which the consideration to be paid or provided by or on behalf of the consumer does not exceed $20 000. This clause increases the amount to $40 000.

Clause 5: Substitution of s. 6

6. Application of Act

This provision has been redrafted to remove references to consumer credit contracts and consumer mortgages and to bring drafting into conformity with current style.

Clause 6: Repeal of s. 7

Clause 7: Repeal of s. 13

These sections will be replaced by provisions of the *Consumer Credit (SA) Code.*

Clause 8: Amendment of s. 15—Rescission of consumer contract

This clause replaces a reference to the Commercial Tribunal with a reference to the Magistrates Court (Civil (Consumer and Business) Division).

Clause 9: Substitution of ss. 16 to 19

16. Rescission of credit contract with supplier

17. Obligations of parties where goods subject to a mortgage

These provisions have been redrafted so that they apply only to those cases that will not be covered by the *Consumer Credit (SA) Code* and to bring drafting into conformity with current style.

18. Powers of Magistrates Court in the event of rescission

This provision has been redrafted to remove references to consumer credit contracts and consumer mortgages, to replace references to the Commercial Tribunal with references to the Magistrates Court (Civil (Consumer and Business) Division) and to bring drafting into conformity with current style.

Clause 10: Repeal of Divisions 2 and 3

Clause 11: Repeal of Parts 3 to 8

This section will be replaced by provisions of the *Consumer Credit (SA) Code.*

Clause 12: Amendment of s. 45—Prosecutions

This clause removes obsolete provisions.

Clause 13: Substitution of ss. 46 to 49

46. Power of Magistrates Court to extend time

This provision has been redrafted to replace references to the Commercial Tribunal with references to the Magistrates Court (Civil (Consumer and Business) Division) and bring drafting into conformity with current style.

47. Invalidity of exclusion clauses

This provision has been redrafted to bring it into conformity with current drafting style.

48. Nature of writing

This provision has been redrafted to remove references to consumer credit contracts and consumer mortgages and to bring drafting into conformity with current style.

48a. Relief against civil consequences of non-compliance with this Act

This provision has been redrafted to replace references to the Commercial Tribunal with references to the Magistrates Court (Civil (Consumer and Business) Division) and bring drafting into conformity with current style.

49. Service

This provision has been redrafted to remove references to credit providers and consumer mortgages, to remove obsolete parts and bring the drafting into conformity with current style.

Clause 14: Amendment of s. 50—Regulations

This clause removes references to consumer credit contracts and consumer mortgages and increases the maximum fine for an offence against the regulations from $200 to $2 500.

Clause 15: Renumbering

Due to the number of provisions of the principal Act deleted by this measure, the remaining provisions will be renumbered when the Act is reprinted following consolidation of the amendments made by this measure.

SCHEDULE 1

Transitional Provisions

This provision ensures that certain orders of the Commercial Tribunal in force immediately prior to the commencement of this measure will continue to have force as if they were orders of the Magistrates Court.

SCHEDULE 2

Further Amendments of Principal Act

This schedule makes further amendments to the principal Act to remove obsolete provisions, headings and references and to update the drafting of the remaining provisions of the Act to current style in preparation for the Act reprint.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

GAS (MISCELLANEOUS) AMENDMENT BILL

Second reading.

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill will amend the *Gas Act 1988*.

The Gas Act was enacted to regulate the supply of gas to the State and to provide for the formation of SAGASCO Holdings Limited. The Act subsumed the South Australian Gas Company into SAGASCO Holdings Limited and vested the shares in the South Australian Oil and Gas Corporation (SAOG) into SAGASCO Holdings. SAOG was wholly owned by the Pipelines Authority of South Australia (PASA).

A significant portion of the Act relates specifically to the corporate restructuring and corporate regulation of the holding company. In particular, the Act provides for the transfer of assets from SAOG to the holding company, the transfer of employees, restrictions on share dealings, profit control and restrictions on dealings by the utility company.

In October 1993, the Government sold its interests in SAGASCO Holdings Limited to Boral Ltd. and in June 1995 sold the Pipelines Authority to Tenneco Gas.

Boral Ltd have taken over those activities previously undertaken by SAGASCO Holdings Limited which is now dormant. Regulatory controls over SAGASCO Holdings Limited are no longer relevant.

The Bill removes from the Gas Act references to SAGASCO Holdings Limited and corporate regulation of the South Australian Gas Company.

In summary, the amendments proposed reflect the changes in the South Australian gas industry over the past two years.

I commend the Bill to Honourable Members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 4—Interpretation

It is proposed to amend section 4 by deleting the definitions of words and phrases that are obsolete as a result either of the amendments proposed in this Bill or of amendments previously made to the principal Act.

Clause 3: Amendment of s. 8—Duty to supply information

It is proposed to insert a new subsection (4) to provide for a definition of 'related body corporate' used only in this section. (This definition is substantially the same as the definition of 'related corporation' deleted by the proposed amendments to section 4.)

Clause 4: Repeal of Part 4

It is proposed to repeal Part 4 of the principal Act which provides for corporate restructuring and regulation. This Part is no longer required.

Clause 5: Repeal of schedule

The schedule contains provisions of a transitional nature. The work of these provisions has been completed and the schedule is no longer required.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (APPEALS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 October. Page 356.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their contribution to the second reading debate. Some matters have been raised to which I should make reference in reply on the basis that it will give members an opportunity to consider some of the issues prior to dealing with the Committee stage of this Bill.

The Hons Angus Redford, Robert Lawson and Carolyn Pickles have queried the need for the differences in the appeal rights of the DPP and the accused on decisions on an issue antecedent to the trial. An issue antecedent to trial is a question as to whether proceedings should be stayed on the grounds that the proceedings are an abuse of process. As members rightly point out, the DPP is given a right to appeal on a question of law and may, with leave of the Full Court, appeal on any other ground. The accused has a right to appeal only with leave of the court of trial, and leave will be granted only if it appears to the court that there are special reasons why it would be in the interests of the administration of justice to have the appeal determined before the commencement or completion of the trial.

I am very much aware that there is potential for trials to be delayed or disrupted by appeals before or during the trial. Indeed, some would argue that the accused should have no rights of appeal prior to or during the trial. This is not the road taken in these amendments, which seek a balance, and it is a balance which I think is the right one. The DPP is given a right of appeal on matters of law as of right and by leave in other instances because of the serious consequences for the prosecution of the offence if a ruling is made against the DPP. If a ruling is made against the DPP, the court may stay the prosecution either permanently or until the happening of some event, that is, the prosecution may be put to an end.

The consequences of an adverse ruling for the accused are also serious, and that is acknowledged. The accused will face a trial, but for the accused that is not the end of the matter. The accused can always argue on appeal that the conviction should not be upheld because the proceedings were an abuse of process. I consider that the differences in consequences for the DPP and the accused, and the importance of trials not being delayed or interrupted, justify the differences in appeal rights against decisions on issues antecedent to trial.

The Hon. Angus Redford referred to the submission of the Bar Association in which it is suggested that the amendments do not provide for appeals against acquittals by jury because the Government feels that there would be a possibility of a constitutional challenge to any law that provided for such appeals. I have already explained the reason for the amendment. The reason has nothing—and I stress 'nothing'—to do with any possible constitutional challenge, and the Government has no intention—and I repeat 'no intention'—of introducing amendments to provide for appeals against acquittals by juries.

The honourable member has asked whether I can foresee a basis on which a constitutional challenge could be made to a provision allowing appeals against acquittal by jury. I cannot. There is nothing in my reading of Cheatle's case which suggests to me that to provide for an appeal against an acquittal by a jury would be held unconstitutional by the High Court. But—and I repeat—the Government has no intention of introducing amendments to provide for an appeal against an acquittal by a jury.

The Hon. Carolyn pickles has foreshadowed and now has on file several amendments which relate to two major issues. The first amendment is to remove the right of the DPP to appeal against the acquittal of a person tried by judge alone. As explained in the second reading speech, in magistrates courts, where the decision to acquit is made by one person, the magistrate, the Crown has a right of appeal. When a person elects to be tried by judge alone, no matter how wrong an acquittal may be (and that could be fairly clearly identified from what the judge has to say publicly), a decision means than an accused person goes free. To provide the Crown with a right of appeal against a decision by a judge to acquit an offender would provide an important check on the judge's decision.

I want to repeat that the letter from the Bar Association is quite dramatic in its presentation of these issues. It makes assertions that I and the Government have not given consideration to certain matters. The fact is that we did weigh the issue whether, in the circumstances of a judge sitting alone, a judge both instructs himself or herself as judge as though he or she were also a jury and then makes a decision as a jury. It is in that latter part of the function as well as in the former that potentially there are some difficulties. As it is not possible to discern what was in the mind of a jury at the time it made a decision, because basically that is confidential, it is not possible, on the basis of anything said, other than in respect of a wrong direction to the jury, to determine what was the reason for an acquittal.

On the other hand, with respect to a judge sitting alone as with a magistrate sitting alone, it is much easier to see from the record what the judge did or did not do or what the judge did correctly or incorrectly. In those circumstances, it seems to the Government in the context of its policy at the last election, and also at the previous election, as I recollect, that it ought to seek to implement a policy which recognises that there is a distinction between a trial by judge alone and a trial by judge and jury.

Whilst the level of penalty for summary offences has increased significantly, particularly under the previous Government, the fact is that magistrates have always had their decisions subject to scrutiny by, in the first instance, a judge of the Supreme Court and then by the Court of Criminal Appeal. In those circumstances, it is not inappropriate for a judge sitting alone to be in the same position. So, we take the view that it is quite consistent in the light of all the principles for the administration of justice that there be this appeal. In fact, I think that not very long ago the Hon. Sandra Kanck asked questions, if not in this Council, which reflected concerns of members of the community as to whether or not the Government intended to extend the right of appeal by the prosecution to a situation where a judge is regarded as having misdirected a jury which has ultimately acquitted, and quite categorically I have stated that it is not the intention of the Government to move into that area.

As the Hon. Angus Redford indicated, there are jurisdictions overseas (Canada is one) where decisions of juries are subject to appeal, but the Government and I have no intention of moving down that path. No-one can suggest that merely putting judges sitting alone in the same category as magistrates sitting alone is in any way the thin edge of the wedge. People can certainly build up a bit of fear about what might happen, but surely that is a matter for the community at some time in the future if a Government, and particularly an Attorney-General, ever wishes to move down that path.

The Hon. Angus Redford has also said that, if this is passed, he is of the view that lawyers will advise their clients, defendants in criminal cases, that they should always go to a trial by judge and jury. That point of view may turn out to be accurate in the future, but I do not share that view. I think there are still and will be cases in which a defendant would be more likely to wish to run the gauntlet of a possible appeal against an acquittal by a judge alone than run the gauntlet of a determination by a jury. With the prospect of an appeal if convicted by a judge alone being better than the prospect of an appeal where there is a trial by judge and jury, it seems to me that an accused person may still weigh up the evidence and determine that he or she will take the chance of going to a judge alone. So I hope members will see that what the Government is proposing in this legislation is not a radical move in the common law jurisdictions of the world but is a quite rational and consistent approach when compared with that of magistrates.

The Hon. Carolyn Pickles also foreshadows an amendment to section 369. She asks how many petitions for mercy have been received in the past 10 years, how many have been successful and how many have been referred to the Supreme Court. I am informed by the Cabinet office that to find out how many petitions for mercy have been received in the past 10 years will require manual examination of Executive Council minutes. It is expected that this will take two people about one day. The search would also disclose the number of petitions that have been referred to the Supreme Court. In order to get the details of the petitions that have been referred to the Supreme Court from the DPP would involve a manual search of the appeal cards. The DPP thinks that there would have been at the most five cases referred to the Supreme Court in the past 10 years with about one being successful. This excludes the petitions that resulted from the case of *Dube v Knowles* by people who were out of time to appeal. I am not convinced that anything hangs heavily upon the information which the honourable member seeks. Therefore, I do not intend to give instructions to expend a significant amount of resources on that issue.

The amendment will be opposed, but I think it is fair to identify for the Hon. Carolyn Pickles now why that will be the position. While the discretion of the Attorney-General remains as to whether a petition for mercy should be referred to the Full Court or three judges of the court, the wording of the amendment is too wide. It refers to a question of law or evidence relevant to the conviction or sentence that was not considered at the time of trial or sentencing or appeal. Relevant evidence that was not considered at the trial or sentencing may have no effect on the outcome: not all relevant evidence is of the same weight, and some relevant evidence may have very little weight. The wording of the amendment could raise false expectations about the success of a petition for mercy, and could encourage the lodging of petitions that had no chance of success. Neither of these results is desirable from the point of view of either the convicted person or the Government which must process petitions which have no hope of success. Again, I thank members for their contributions.

Bill read a second time.

OPAL MINING BILL

Adjourned debate on second reading.

(Continued from 25 October. Page 353.)

The Hon. R.R. ROBERTS: The Opposition supports the Bill. This Bill, as amended in the Lower House, has been the subject of negotiations over a wide ranging area. I have had discussions with people in the opal mining industry in Andamooka. In fact, I have had discussions with officials of the Andamooka Opal Miners' Association. I have been contacted by people in Coober Pedy as well as Mintabie, as has the shadow Minister for Mines and Energy, Mr John Quirke.

Mr Quirke has travelled to Coober Pedy on numerous occasions and has engaged in extensive discussions. In full consideration of the thoughts and views of those people and the miners, in particular, in the Mintabie and Andamooka areas, who basically reflect the views of the South Australian Opal Miners Association, he engaged in discussions with the Minister for Mines and Energy, the Hon. Dale Baker. An arrangement has been reached which allows for existing opal mining operations in the Andamooka field to continue in the traditional form with a 500 metre buffer zone. This will allow traditional miners in Coober Pedy to continue their operations in the manner in which they have expressed a desire to continue. It allows those people in other areas the advantages, as they see it, of the new Opal Mining Act in South Australia. Essentially, the views of all participants in opal mining in South Australia have been taken into account, and as best fit an arrangement that could be put together at this time has been agreed to.

There has been some opposition to this arrangement, mainly from the member for Eyre in another place, Mr Gunn,

who has been critical of the processes that have taken place. He has asserted that the arrangements entered into by the Coober Pedy Miners Association did not accurately reflect the views of opal miners in Coober Pedy. I am advised that, at a well attended public meeting in Coober Pedy, 430 miners from Coober Pedy assembled to discuss the arrangements, and their desire to maintain existing lease sizes and for the operations in that core Coober Pedy mining field to remain the same. I am advised, despite the accusations of the member for Eyre, that six people out of the 430 were opposed to the arrangements which have now been agreed and which were promoted by the Coober Pedy Miners Association.

It is bemusing that this passionate contribution has been made by the member for Eyre. I suppose that as these are his constituents it is something he will have to take up with them. The Opposition is comfortable with the arrangements that have been agreed to, namely, that there will be a review of this Act in three years. There has been a long process of discussion over a number of years and spanning a couple of Ministers to get to where we are today. The Opposition believes that we have the best fit that we can obtain at the present time and we will support the Bill in the Committee stages with the amendments that were agreed to in the Lower House. The Opposition supports the second reading of this Bill.

The Hon. SANDRA KANCK secured the adjournment of the debate.

STATUTES AMENDMENT (SUNDAY AUCTIONS AND INDEMNITY FUND) BILL

Adjourned debate on second reading.

(Continued from 25 October. Page 349.)

The Hon. A.J. REDFORD: I support this Bill and pass on my congratulations to the Attorney for introducing it. This has been another example of the Attorney's ongoing program to reform consumer protection and other business related legislation that is part of his portfolio. The legislative program since December 1993 on the part of the Attorney in this area has been busy, and I congratulate him on tackling some of the more difficult issues in this area. This is a relatively minor Bill in the scheme of things, particularly so far as the Attorney's reform agenda in regard to business and consumer affairs legislation is concerned; nevertheless, it is important.

The only specific comment I make relates to the repeal of the provision which restricted auctions on Sundays. I have been interstate on many occasions and have attended house auctions on Sundays. They provide almost a social adjunct to neighbourhood areas in Eastern State capitals. I recall attending Sunday auctions down the street with friends with whom I was staying, and it provided an additional occasion for them to meet their neighbours. One cannot be critical of that sort of social interaction.

The Hon. T.G. Roberts: So long as your VCR is tied down.

The Hon. A.J. REDFORD: I have perhaps been more fortunate than the Hon. Terry Roberts: I have moved in circles where, generally, video recorders are fairly safe. There has been a major social change since the 1960s and since the change of Government when Frank Walsh took over from Sir Thomas Playford. We have had the end of 6 p.m. closing and the introduction of TAB. More recently, we have seen Sunday trading in the city, cinemas being open on Sundays and, on occasions, we have Sunday racing. Poker machines are now available on Sundays, and it seems to me that it was an anathema to prevent house auctions taking place on Sundays. The provision will provide a great deal of convenience to younger people where both husband and wife work. Normally, a limited number of house auctions were conducted on Saturday mornings, and by far and away the larger number were conducted on Wednesdays and Mondays, which necessitated people taking time off work.

If my experience when I used to go house hunting is anything to go by, one would go to four or five auctions before actually buying a house. That meant a substantial dislocation from one's work and employment. I hope that the real estate industry will embrace weekend auctions, because there are a number of advantages. I have already mentioned the social discourse aspect, and there is less dislocation so far as people's employment is concerned. We are all curious to know what housing values are doing in our local areas. It gives us all a greater opportunity to become more aware of housing values and what is actually happening in terms of real estate values in our own local areas.

The Hon. T.G. Roberts: That is if they like sticky beaks.

The Hon. A.J. REDFORD: I know that certain auctioneers in my experience like to have a crowd there: it seems to create some atmosphere of interest. I recall that, in relation to the first house I sold, the auctioneer actually engaged a number of his staff who were all dressed in different clothing—not in normal suits and ties—and who turned up at the auction to make sure that it looked as if there were a substantial crowd.

The Hon. T.G. Roberts: They also put bids in.

The Hon. A.J. REDFORD: And put a bid in. I must admit that I am always bemused on those occasions about where the bids came from. I know that on occasions you stand there, frozen like a block of ice, with your hands in your pockets, because you have not seen anyone else move, but the auctioneer keeps picking out bids. I might say, probably in most cases, that they were questionable bids until the reserve price was reached.

The Hon. T.G. Roberts: It would spoil your lunch hour if you were stuck with it.

The Hon. A.J. REDFORD: Yes, that is right. The other advantage is that people get fearful when they go to auctions. A lot of people will engage an agent or someone else who has more experience or confidence in watching auctions to bid on their behalf. I hope that, as the community becomes more exposed to this auction process, people will be more comfortable and be able to protect themselves through watching how other people operate in an auction environment.

The Hon. T.G. Roberts: You've got to be sure you don't get an itchy nose.

The Hon. A.J. REDFORD: That is why I stood very still with my hands in my pockets. Certainly, I congratulate the Attorney and the Government on this initiative. I am sure that members opposite and the Australian Democrats will support that initiative. As to the indemnity fund, again, I support the Bill. There may be a simple answer to my question, but I am happy for the Attorney to take it on notice. The amendment to section 29(4) provides that money can be applied to the costs of investigating complaints, the costs of prosecutions and costs relating to other purposes. I am not sure whether there is any limit to the extent to which costs can be applied in those areas but is there any provision in the Bill to set out a scale or some process by which those costs can be con-

tained? I hope there is some sort of check or balance to ensure that these costs are not frittered away or spent on highly paid consultants. I support the Bill and I wish everyone here and all South Australians happy auctioning.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

The Hon. K.T. GRIFFIN: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

MOTOR VEHICLES (HEAVY VEHICLES REGISTRATION CHARGES) AMENDMENT BILL

Consideration in Committee of the House of Assembly's amendments:

No. 1. Clause 13, page 6, line 30—Leave out 'permit' and substitute 'certificate'.

No. 2. Page 8, after line 10—Insert new clause as follows:

Amendment of Stamp Duties Act 1923

17. The Stamp Duties Act 1923 is amended—

(a) by striking out from schedule 2 item 10A of the exemptions from payment of the Component payable in respect of Registration appearing under the heading commencing 'APPLICATION to Register a Motor Vehicle' and substituting the following items:

10A. Any application to register a motor vehicle where the vehicle is to be registered under section 25 of the Motor Vehicles Act 1959 on payment only of the administration fee prescribed under that Act.

10B. Any application to register a special purpose vehicle (as defined in the Road Transport Charges (Australian Capital Territory) Act 1993 of the Commonwealth as amended and in force from time to time) where the vehicle is to be registered under section 25 of the Motor Vehicles Act 1959.;

(b) by striking out from schedule 2 the two entries immediately under the heading Component payable in respect of a policy of insurance appearing under the heading commencing 'APPLICATION to Register a Motor Vehicle' and substituting the following entry:

Where the application is for registration of the vehicle for a period of—

(a)	less than 12 months for each 3 months or part of each 3 months in the period of registration	4.00
(b)	for 12 months	15.00;

(c) by striking out from schedule 2 item 5A of the exemptions from payment of the Component payable in respect of a Policy of Insurance appearing under the heading commencing 'APPLICATION to Register a Motor Vehicle' and substituting the following items:

5A. Policy of insurance where the motor vehicle is to be registered under section 25 of the Motor Vehicles Act 1959 on payment only of the administration fee prescribed under that Act.

5B. Policy of insurance where a special purpose vehicle (as defined in the Road Transport Charges (Australian Capital Territory) act 1993 of the Commonwealth as amended and in force from time to time) is to be registered under section 25 of the Motor Vehicles Act 1959.

The Hon. DIANA LAIDLAW: I move:

That the House of Assembly's amendments be agreed to.

Amendment No. 1 is a purely technical amendment, suggested by Parliamentary Counsel. Amendment No. 2 relates to the money clause in the Stamp Duties Act 1923. This provision was in the original Bill but, because it was a money clause, it could not be debated in this place. It had to be referred to the other place for debate and then returned to us for consideration. There is no reason for concern or agitation in respect of these measures. They are straightforward and I would expect them to have the support of all members in this place.

The Hon. T.G. CAMERON: The Opposition accepts the amendments that have been put forward.

Motion carried.

WORKERS REHABILITATION AND COMPENSATION (DISPUTE RESOLUTION) AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendment.

ADJOURNMENT

At 4.37 p.m. the Council adjourned until Tuesday 14 November at 2.15 p.m.